

MICHAEL P. STONE, SBN 91142  
MUNA BUSAILAH, SBN 166328  
Email: [m.busailah@police-defense.com](mailto:m.busailah@police-defense.com)  
Members of **STONE BUSAILAH, LLP**  
*A Partnership of Professional Law Corporations*  
Email: [d.danial@police-defense.com](mailto:d.danial@police-defense.com)  
1055 East Colorado Boulevard, Suite 320  
Pasadena, California 91106  
Telephone: (626) 683-5600  
Facsimile: (626) 683-5656

*Attorneys for Defendants* **JOSE ZAVALA and  
JULIO QUINTANILLA**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

MARGARITO T. LOPEZ, SONIA  
TORRES, KENI LOPEZ, ROSY  
LOPEZ,

Plaintiffs,

v.

CITY OF LOS ANGELES, JOSE  
ZAVALA, JULIO QUINTANILLA,  
AND DOES 1 THROUGH 10,  
INCLUSIVE,

Defendants.

**CASE NO. 2:22-cv-07534-FLA-MAAx**

*[Assigned to Judge Fernando L. Aenlle-Rocha,  
USDC-Hon. Mag. Maria A. Audero, USDC-  
Roybal Bldg]*

**DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' NOTICE OF MOTION  
AND MOTION IN LIMINE NO. 1 TO  
EXCLUDE INFORMATION  
UNKNOWN TO THE OFFICERS AT  
THE TIME OF THE SHOOTING**

FPTC: May 31, 2024  
TIME: 1:00 PM  
DEPT: 6B, 6<sup>th</sup> Floor

PLEASE TAKE NOTICE THAT Defendants OFFICERS JOSE ZAVALA  
AND JULIO QUINTANILLA (collectively "Defendant-Officers"), will and hereby  
do request that this Court deny Plaintiffs' motion to exclude information unknown  
to the Defendant-Officers at the time of the shooting. Since the parties have been  
unable to agree to a bifurcation of the liability and damages phases of trial (except

1 punitive damages, if any), the information that Plaintiffs seek to exclude is relevant  
 2 to damages and therefore admissible. Further, even if Plaintiffs agree to – or the  
 3 Court orders – bifurcation of liability and damages, the information is also  
 4 admissible at the liability phase. As such, this Court should deny Plaintiffs’  
 5 motion.<sup>1</sup>

# 6 7 8 **I. EVIDENCE OF DECEDENT'S DRUG HISTORY AND** 9 **TOXICOLOGY RESULTS IS ADMISSIBLE**

10 Plaintiffs seek to exclude “any and all evidence of Decedent’s drug and  
 11 alcohol use on the date of the incident and prior to the incident, including the  
 12 toxicology report[.]” Dkt. #67, Page ID #:489. Because the evidence is admissible  
 13 and relevant as to both liability and damages, this Court should deny Plaintiffs’  
 14 motion.  
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## 16 17 *A. Decedent's Drug History and Toxicology Results are Relevant to Liability*

18 Plaintiffs acknowledge that “the defendant officers generally testified that  
 19 they suspected that Decedent may be under the influence . . . .” *Id.* at Page  
 20 ID#:493. Plaintiffs’ acknowledgment is fatal to their motion: the Court has found  
 21 on numerous occasions that  
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23  
 24 [i]n cases ‘where what the officer perceived just prior to the use of  
 25 force is in dispute, evidence that may support one version of events  
 26 over another is relevant and admissible.’ *Boyd v. City & Cnty. of S.F.*,

27 <sup>1</sup> Plaintiffs move to exclude any evidence that Decedent was a gang member. Dkt. #67,  
 28 Page ID #:491. Because the Defendant-Officers do not intent on introducing such  
 evidence unless Plaintiffs open the door to the same, including potential evidence of any  
 good character of Decedent as any purported support for a higher damages award, if any,  
 this Court should deny this portion of Plaintiffs’ motion as moot.

1 576 F.3d 938, 944 (9th Cir. 2009). Particularly, in excessive force  
2 cases where the decedent's preshooting behavior is disputed, evidence  
3 of the presence of drugs may be relevant to explain the decedent's  
4 unusual behavior or to corroborate the police officer's version of how  
5 the decedent acted.

6 *Zaragoza v. Cnty. of Riverside*, No. 520CV01381SSSPX, 2024 WL  
7 663235, at \*9 (C.D. Cal. Jan. 18, 2024) (collecting cases that stand for the  
8 proposition). And Plaintiffs' contention that the Defendant-Officers "did not have  
9 any specific information as to whether [Decedent] was under the influence at the  
10 time of the shooting or whether he had a history of drug use[.]" Dkt. #67, Page  
11 ID#:493, is of no consequence: "A police officer who was unaware that the  
12 decedent was intoxicated does not make the evidence inadmissible, especially  
13 when the decedent's conduct is in dispute." *Id.* (citing *Turner v. Cnty. of Kern*,  
14 No. 1:11-CV-1366 AWI SKO, 2014 WL 560834, at \*2 (E.D. Cal. Feb. 13, 2014)).

15 That the parties' vigorously dispute the Decedent's conduct leading up to the  
16 use of force is manifest. First, Plaintiffs concede as much. *See* Dkt. #68, PageID#:  
17 508 (arguing that a suicide-by-cop theory is "highly disputed by the evidence").  
18 Second, the Defendant-Officers and officer-witnesses made clear at their  
19 depositions their belief that the Decedent was acting erratically by mumbling to  
20 himself, making the sign of the cross, holding a knife to his neck in an apparent  
21 attempt or threat to cut himself, and generally acting emotionally and/or mentally  
22 disturbed. *See generally* Exhibits A-E, attached to Declaration of Muna Busailah  
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1 (“Busailah Decl.”) (deposition testimony describing Decedent’s conduct).  
2 Evidence of Decedent’s drug use is thus relevant and admissible to corroborate the  
3 testimony of the version of the events as will be described by the Defendant-  
4 Officers and witness-officers. *See, e.g., Glover v. City of Los Angeles*, No. 2:21-  
5 CV-09915-FWS-AS, 2023 WL 8586386, at \*4 (C.D. Cal. Oct. 26, 2023) (“The  
6 court concludes evidence regarding Plaintiff’s potential intoxication at the time of  
7 the incident is relevant to corroborating Defendants’ version of events—in other  
8 words, that Plaintiff was acting erratically.”) (citing *Boyd*, 576 F.3d at 944; and  
9 *Turner*, 2014 WL 560834, at \*3); *Turner v. Cnty. of Kern*, 2014 WL 560834, at \*3  
10 (E.D. Cal. Feb. 13, 2014) (concluding that evidence of drug and alcohol use was  
11 relevant “to explain [plaintiff’s] conduct and to corroborate the officers’ version of  
12 events; the evidence is not relevant to the excessive force totality of the  
13 circumstances inquiry”); *Est. of Clemente Najera Aguirre v. Cnty. of Riverside*,  
14 No. EDCV18762DMGSPX, 2023 WL 3528394, at \*2 (C.D. Cal. Mar. 22, 2023)  
15 (concluding that evidence of the plaintiff’s methamphetamine intoxication at the  
16 time of the shooting was relevant, even though not known to the officer at the time  
17 of the shooting, as the plaintiff’s “erratic behavior in the minutes before the  
18 shooting w[ould] be squarely at issue at trial”); *Castro v. Cnty. of Los Angeles*, No.  
19 213CV06631CASSSX, 2015 WL 4694070, at \*4–6 (C.D. Cal. Aug. 3, 2015)  
20 (“evidence of decedent’s intoxication may be admissible to corroborate [the  
21 officer’s] version of events, since decedent’s pre-shooting conduct is disputed”).  
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1 Indeed, the Defendant-Officers' anticipated "testimony that [Decedent]  
2 appeared to be under the influence of drugs is relevant to the key issue in this case:  
3 the threat a reasonable officer would have perceived that [Decedent] posed."  
4 *Sullivan v. City of Buena Park*, No. SACV2001732CJCADSX, 2022 WL 2965664,  
5 at \*3–4 (C.D. Cal. Apr. 11, 2022). And "[w]hen an officer perceives that someone  
6 is under the influence of drugs, their fear of that subject is heightened, as they may  
7 rightfully assume that an intoxicated subject is likely to behave in an unpredictable  
8 manner." *Id.* This Court should thus find that Decedent's drug use is admissible,  
9 as it is relevant to liability.

13 B. Decedent's Drug History and Toxicology Results is Relevant to Damages

14 Evidence of Decedent's drug history and toxicology results is also relevant  
15 to Plaintiffs' damages. Indeed, "[D]ecedent's history of drug use is relevant to  
16 proof of both economic and non-economic damages." *Castro v. Cnty. of Los*  
17 *Angeles*, No. 213CV06631CASSSX, 2015 WL 4694070, at \*7 (C.D. Cal. Aug. 3,  
18 2015). As the Court has previously explained:

21 Plaintiffs are attempting to show that they suffered significant damages  
22 as a result of their loss of [Decedent's] love, companionship, and  
23 affection. Defendants can use evidence of [Decedent's] drug use to  
24 rebut Plaintiffs' claims for damages by demonstrating that  
25 [Decedent's] relationships with Plaintiffs were strained or that he was  
26 estranged from them because of his drug use.  
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1           *Barillas v. City of Los Angeles*, No. CV1808740CJCASX, 2021 WL  
 2 4434977, at \*4–5 (C.D. Cal. Apr. 12, 2021). *See also* *Castro*, No.  
 3 213CV06631CASSSX, 2015 WL 4694070, at \*7 (evidence of drug use is relevant  
 4 to demonstrate strained or affected familial relationships related to loss of  
 5 consortium and loss of society claims). And “[D]ecedent’s history of drug use is  
 6 relevant to his life expectancy. . . . In turn, life expectancy informs the measure of  
 7 economic damages.” *Id.* (citing in part and quoting *Allen v. Toledo*, 109  
 8 Cal.App.3d 415, 424 (1980) for the proposition that the “life expectancy of the  
 9 deceased is a question of fact for the jury to decide, considering all relevant factors  
 10 including the deceased’s health, lifestyle and occupation.”)). *See also* *Glover v.*  
 11 *City of Los Angeles*, No. 2:21-CV-09915-FWS-AS, 2023 WL 8586386, at \*4 (C.D.  
 12 Cal. Oct. 26, 2023) (“The court further concludes Plaintiff’s prior use of drugs or  
 13 alcohol is relevant to determining Plaintiff’s economic damages during the second  
 14 phase of trial.”). This Court should thus find that Decedent’s drug use is  
 15 admissible, as it is relevant to damages.

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 21           C. *The Probative Value of Decedent’s Drug History and Toxicology Results*  
 22 *is Not Substantially Outweighed by Any Reason Enumerated in FRE 403,*  
 23 *and the Evidence will Not Be Used for Prohibited Purposes under FRE*  
 24 *404*

25           Plaintiffs assert that evidence of Decedent’s drug history and toxicology  
 26 results is inadmissible under Fed. R. Evid. 403 because the evidence is “unduly  
 27 prejudicial, confusing, and a waste of time.” Dkt. #67, Page ID #:494. Plaintiffs  
 28 further assert that the evidence is inadmissible character evidence Fed. R. Evid.

1 404. Both assertions fail.

2 First, the probative value of the evidence is significant, as explained above,  
3 as to both liability and damages. And evidence of drug use is not inherently  
4 “inflammatory in nature, nor will it distract the jury from considering all the other  
5 evidence when determining whether Plaintiffs suffered a loss of love,  
6 companionship, and affection, and if so, the monetary value of that lost love,  
7 companionship, and affection.” *Barillas v. City of Los Angeles*, No.  
8 CV1808740CJCASX, 2021 WL 4434977, at \*4–5 (C.D. Cal. Apr. 12, 2021). *See*  
9 *also Glover v. City of Los Angeles*, No. 2:21-CV-09915-FWS-AS, 2023 WL  
10 8586386, at \*4 (C.D. Cal. Oct. 26, 2023) (finding probative value of evidence of  
11 drug use not substantial outweighed by prejudice). To be sure,  
12 “evidence of drug . . . use is relevant and probative on the issue of future damages,  
13 and because such damages are central to Plaintiff[s’] claim, . . . the prejudicial  
14 effect of Plaintiff[s’] drug . . . use does not substantially outweigh their probative  
15 value.” *Morris v. Long*, No. 1:08-CV-01422-AWI, 2012 WL 1498889, at \*7 (E.D.  
16 Cal. Apr. 27, 2012). Of course, there could be some prejudicial effect from the  
17 presentation of such evidence, “[b]ut all adverse evidence carries some prejudicial  
18 effect to the opposing party.” *Zaragoza v. Cnty. of Riverside*, No.  
19 520CV01381SSSPX, 2024 WL 663235, at \*9 (C.D. Cal. Jan. 18, 2024). That the  
20 evidence is unfavorable to Plaintiffs does not, however, render the evidence  
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1 unfairly prejudicial.<sup>2</sup> *See id.* This Court should therefore find that the probative  
2 value of Decedent's drug use and evidence of his toxicology results are not  
3 outweighed by any reason unerumated in Fed. R. Evid. 403.  
4

5 Second, Decedent's drug history and toxicology results are not inadmissible  
6 under Fed. R. Evid. 404, because the evidence will be used for purposes other than  
7 improper character evidence, as explained above. Fed. R. Evid. 404(b) renders  
8 evidence of a person's character or trait inadmissible when it is used "in order to  
9 show action in conformity therewith." *Lopez v. Aitken*, No. 07-CV-2028-JLS-  
10 WMC, 2011 WL 672798, at \*2 (S.D. Cal. Feb. 18, 2011) (internal quotations  
11 omitted). But where, as here, "drug use evidence is not being offered to prove  
12 conduct in accordance with past acts," such evidence is admissible. *Gopen v.*  
13 *Regents of the Univ. of California*, No. SACV152062JVSKEsx, 2017 WL  
14 11634361, at \*2 (C.D. Cal. Mar. 6, 2017). This Court should therefore find that the  
15 evidence is not inadmissible under Fed. R. Evid. 404, as the Defendant-Officers  
16 seek to use the evidence for purposes other than improper character evidence.  
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24 <sup>2</sup> Plaintiffs' argument that "[e]vidence of drug use can only serve to unjustly inflame a  
25 jury's passions and prejudices against a party" likewise falls flat. "Plaintiffs improperly  
26 assume that all eight jurors will dislike users of drugs and that these jurors could not be  
27 removed from the case through *voir dire*." *Zaragoza v. Cnty. of Riverside*, No.  
28 520CV01381SSSPX, 2024 WL 663235, at \*8–10 (C.D. Cal. Jan. 18, 2024). And if there  
is a genuine possibility of unfair prejudice, this Court could always provide a limiting  
instruction to the jury. *See id.*; *Castro v. Cnty. of Los Angeles*, No.  
213CV06631CASSSX, 2015 WL 4694070, at \*7 (C.D. Cal. Aug. 3, 2015).



**II. EVIDENCE OF DECEDENT'S CRIMINAL HISTORY AND PRIOR CONTACTS WITH THE MENTAL HEALTH UNIT IS ADMISSIBLE**

Plaintiffs seek to exclude “any evidence of Decedent’s limited criminal history and contacts with law enforcement, which includes two misdemeanor arrests in 2017 and 2018, as well as four incidents with the Mental Evaluation Unit (‘MEU’) between 2012 and 2021.” Dkt. #67, Page ID #:489. Because the evidence that Plaintiffs seek to exclude is relevant and otherwise admissible, this Court should deny Plaintiffs’ motion.

First, Decedent’s criminal history and his interactions with MEU are relevant to damages. *See, e.g., V.V. v. City of Los Angeles*, No. 2:21-CV-01889-MCS-PD, 2022 WL 3598167, at \*6 (C.D. Cal. July 6, 2022) (“The decedent's criminal history is relevant to the damages phase.”); *N.W. v. City of Long Beach*, No. EDCV141569VAPSPX, 2016 WL 9021966, at \*5 (C.D. Cal. June 7, 2016)(“Decedent's criminal history may be relevant to the issue of damages, as it will inform the jury's decision regarding future earnings.”); *Castro v. Cnty. of Los Angeles*, No. 213CV06631CASSSX, 2015 WL 4694070, at \*4 (C.D. Cal. Aug. 3, 2015). And because the Defendant-Officers intend to use such evidence to refute or counter alleged entitlement to damages, the evidence will not be under for an improper purpose under Fed. R. Evid. 404. Nor does the probative value of the evidence substantially outweigh the danger of unfair prejudice, for the reasons described in Section I.

1           Second, evidence of Decedent’s prior contacts with MEU is admissible as to  
2 both liability of damages. Certainly, Plaintiffs put Decedent’s mental health  
3 squarely at issue in this lawsuit. *See generally* Dkt. #1, ¶¶ 30, 34 (alleging in part  
4 that “decedent was having a mental health crisis”; that the Defendant-Officers “did  
5 not investigate whether Decedent was in fact having suicidal ideations, or whether  
6 Decedent was having a mental crisis”; that the Defendant-Officers did not notify  
7 the “Mental Evaluation Unit [] or Systemwide Mental Assessment Response  
8 Team”; and that “[t]he use of force against Decedent was excessive and objectively  
9 unreasonable under the circumstances, particularly because Defendants were aware  
10 that Decedents was suffering from a mental illness, was going through a potential  
11 mental health crisis”) (capitalizations omitted). As such, their request to exclude  
12 evidence of Decedent’s history of mental instability is questionable at best.

17           Further, evidence of Decedent’s mental health history is relevant to  
18 corroborate the Defendant-Officers’ version of the facts and for credibility  
19 purposes, even if the Defendant-Officers lacked knowledge of Decedent’s history.  
20 *Crawford v. City of Bakersfield*, 944 F.3d 1070 (9th Cir. 2019) – a fatal shooting  
21 excessive force case – is instructive. In *Crawford*, the Ninth Circuit considered the  
22 district court’s exclusion of testimony concerning the decedent’s history of  
23 schizophrenia and mental illness. *Id.* at 1075-76. The district court excluded such  
24 evidence on the basis that the officer’s had no knowledge of the decedent’s mental  
25 illness and that the decedent’s past behavior was not “not relevant to the issue of  
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1 whether [the officer] should have known that [the decedent's] behavior leading up  
2 to the shooting could have been caused by mental illness.” *Id.* at 1076 (certain  
3 alterations changed and quotations omitted) (cleaned up). The Ninth Circuit,  
4 however, reversed the district court’s evidentiary determination, holding that the  
5 court abuse its discretion in excluding the evidence. *Id.* at 1079, 1081. The Ninth  
6 Circuit reasoned that testimony of the decedent’s  
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8  
9 past behavior and treatment was relevant to whether he was in fact  
10 mentally ill at the time. Evidence that [the decedent]  
11 had *previously* behaved in ways consistent with mental illness and had  
12 been taken to mental health providers for treatment, makes it more  
13 likely that he *continued* to suffer from mental illness on the day of the  
14 shooting. In turn, whether [the decedent] was *in fact* mentally ill that  
15 day is relevant to whether he would have *appeared* to be mentally ill,  
16 and thus to whether [the officer] knew or should have known that [the  
17 decedent] was mentally ill; after all, the existence of some underlying  
18 fact tends to make it more likely that a person knew or should have  
19 known that fact.

20  
21 *Id.* at 1078-79 (emphasis in original). The Ninth Circuit thus concluded that  
22 testimony about the decedent’s history of mental illness was relevant, even if the  
23 officer had no knowledge of it. *Id.* at 1079 (citing and quoting *Boyd v. City & Cty.*  
24 *of San Francisco*, 576 F.3d 938, 944 (9th Cir. 2009) for the proposition that  
25 “where what the officer perceived just prior to the use of force is in dispute,  
26 evidence that may support one version of events over another is relevant and  
27 admissible[,]” and *Estate of Escobedo v. Martin*, 702 F.3d 388, 400 (7th Cir. 2012)  
28

1 for the proposition that “evidence unknown to officers at the time force was used”  
2 may be relevant in evaluating credibility, such as by making it more or less likely  
3 that “a suspect acted in the manner described by the officer”).  
4

5 Similarly, here, in addition to Plaintiffs’ alleging that Decedent was “having  
6 a mental health crisis” during the encounter that provides the basis of this lawsuit,  
7  
8 *see generally* Dkt. #1, ¶30, evidence of Decedent’s history of mental illness is  
9 relevant to establish whether Decedent was *in fact* mentally ill and *currently*  
10 experiencing a mental health crisis during the encounter. Indeed, evidence of past  
11 mental health crises makes it more likely that Decedent was suffering such a crisis  
12 during the event. *See id.* at 1078-79. Further, Decedent’s history of mentally  
13 illness corroborates and confirms the Defendant-Officers’ rendition of the events—  
14 particularly that Decedent was acting unpredictably and engaging in volatile  
15 behavior. *See Boyd v. City & Cty. of San Francisco*, 576 F.3d 938, 944 (9th Cir.  
16 2009) (finding evidence that supports officer’s version of events relevant and  
17 admissible when pre-shooting conduct is in dispute). As such, the evidence is  
18 relevant, admissible, and lends credibility to the Defendant-Officers’ perceptions.  
19  
20 This Court should therefore find that evidence of Decedent’s history of mental  
21 health is admissible.<sup>3</sup>  
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25 <sup>3</sup> The evidence is further admissible on the basis that it informs the jury’s reasonableness  
26 determination under *Graham*. *See Deorle v. Rutherford*, 272 F.3d 1272, 1283 (9th Cir.  
27 2001) (“emphasiz[ing] that where it is or should be apparent to the officers that the  
28 individual involved is [mentally or] emotionally disturbed, that is a factor that must be  
considered in determining, under *Graham*, the reasonableness of the force employed”).

### III. EVIDENCE OF THE 911 CALLS IS ADMISSIBLE

Plaintiffs claim that evidence of the 911 calls in this case should be excluded because the Defendant-Officers “did not hear these calls, and were therefore not responding or acting in reaction to the calls.” Dkt. #67, Page ID #:496. Not so. The undisputed evidence establishes that the Defendant-Officers were aware of the nature of the 911 calls and responding to the same. Exhibits A-E, attached to Busailah Decl. And even if they did not hear the calls specifically, the defense is entitled to introduce the calls to set the scene generally for LAPD’s initial and overall response to the incident.

Plaintiffs further claim that “the emotional nature of these calls would confuse and mislead the jury . . . .” Plaintiffs’ claim, however, is wholly conclusory and lacks any explanation or support. That the evidence could be emotional in nature and therefore would confuse and mislead the jury is tenuous at best. To be sure, the 911 call is not inherently confusing or misleading. Further, the evidence lays the foundation for the entire event that provides that basis of Plaintiffs’ claims.

Plaintiffs lastly claim that the 911 would be cumulative “of the information from these calls relayed by dispatch to the police radios.”<sup>4</sup> But Plaintiffs’ claim improperly assumes that the defense intends to introduce the information of the

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<sup>4</sup> Defendants question the genuineness of the deduction that logically follows Plaintiffs’ argument—specifically, whether Plaintiffs would actually concede the admissibility of the dispatch calls. Of course, Plaintiffs have already made catch-all hearsay arguments to exclude “information” and non-descript “documents,” so the Defendant-Officers are left to guess whether the dispatch calls are lumped into the broad categories of material that Plaintiffs seek to exclude.

1 calls as relayed by dispatch. It is within the defense’s strategy to choose – rather  
2 than have Plaintiffs choose – which evidence to use. But the defense should not  
3 even have to choose: the 911 calls and police radio dispatch could serve different  
4 purposes at trial. And neither category of evidence would itself – or together – take  
5 up much time at all.  
6

7  
8 Each argument Plaintiffs raise to exclude evidence of the 911 calls fails.  
9 This Court should therefore find that 911 calls are relevant and admissible.

#### 10 **IV. HEARSAY**

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12 In Plaintiffs’ tireless pursuit to have the above-evidence excluded, Plaintiffs  
13 request that the Court “exclude *any Documents* containing the *information* that  
14 Plaintiffs seek to exclude on the grounds that the documents are hearsay for which  
15 there is no exception under Rules 801 and 802.” Dkt. #67, Page ID #:497  
16 (emphasis added). Of course, it is difficult to respond to Plaintiffs’ overbroad and  
17 ambiguous request to exclude “any document[]” that “contain[s] the information”  
18 that they “seek to exclude.” *Id.* The “information” and “documents” that Plaintiffs  
19 have identified, however – including the 911 calls, police reports, medical records,  
20 and toxicology report – are either non-hearsay, *see, e.g.,* Fed. R. Evid.  
21 801(d)(2)(A), fall under well-known exceptions to hearsay, *see, e.g.,* Fed. R. Evid.  
22 803(1)-(2)(present sense impression and excited utterance); *id.* at 803(6) (business  
23 record), *id.* at 803(4) (medical record), and/or will be used for non-hearsay purposes  
24 (such as the effect on the listener). This Court should decline Plaintiffs’ invitation  
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1 to exclude whole categories of material and “information” under the guise of  
2 hearsay. Rather, this Court should allow the Defendant-Officers the opportunity to  
3 establish the requisite foundation for such records to satisfy one or more of the  
4 exceptions to hearsay (or establish that the documents will be used for non-hearsay  
5 purposes). This Court should thus deny Plaintiffs’ motion.  
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7  
8 **V. CONCLUSION**

9 Plaintiffs’ motion to exclude information unknown to the Defendant-Officers  
10 at the time of the shooting fails in its entirety. The evidence Plaintiffs seek to  
11 exclude from trial is relevant to both liability and damages, and this Court should  
12 permit the Defendant-Officers to introduce the same at trial.  
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17 Date: May 16, 2024

**STONE BUSAILAH, LLP**

18 By: /s/ Muna Busailah

19 MUNA BUSAILAH, Esq.

20 Attorney for Defendants JOSE ZAVALA,  
21 JULIO QUINTANILLA  
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